

Before the
UNITED STATES COPYRIGHT ROYALTY BOARD
Washington, D.C.

In the Matter of: DETERMINATION OF RATES AND TERMS FOR MAKING AND DISTRIBUTING PHONORECORDS (<i>Phonorecords IV</i>)	Docket No. 21-CRB-0001-PR (2023 – 2027))
<i>In re</i> DETERMINATION OF RATES AND TERMS FOR DIGITAL PERFORMANCE OF SOUND RECORDINGS AND MAKING OF EPHEMERAL COPIES TO FACILITATE THOSE PERFORMANCES (<i>Web V</i>)	Docket No. 19-CRB-0005-WR (2021-2025)

**STIPULATION REGARDING ACCESS TO AND USE OF *WEB V* MATERIALS IN
PHONO IV**

On July 16, 2021, Amazon.com Services LLC, Google LLC, Pandora Media, LLC, and Spotify USA Inc. (collectively, the “Services”) filed a joint motion requesting that the Judges allow all eligible participants in the *Phonorecords IV* proceeding (Docket Number 21-CRB-0001-PR (2023-2027)) full access to and use of the restricted version of the Judges’ Initial Determination in *Webcasting V* (Docket Number 19-CRB-0005-WR (2021-2025) and any future substantive rulings in that proceeding, including but not limited to any decision in response to motions for rehearing or clarification, the Final Determination, and any decision by the Register (together, the “*Webcasting V* Materials”) on an outside-counsel-only basis, as provided in the *Phonorecords IV* Protective Order and the *Webcasting V* Protective Order.¹ On July 30, 2021, SoundExchange Inc., Sony Music Entertainment, UMG Recordings, Inc., and Warner Music

¹ The Services proposed (and SoundExchange agrees with) treating the restricted *Webcasting V* materials as restricted under both the *Phonorecords IV* and *Webcasting V* protective orders, with the more restrictive order governing in the event of a conflict between them.

Group Corp. (“SoundExchange”) filed a limited opposition to that motion. *See* SoundExchange’s Limited Opposition to Motion for Access to Restricted Materials, Doc. No. 25550, *Webcasting V* Docket No. 19-CRB-0005-WR. On August 2, 2021, SoundExchange filed a proposed order, *see* Proposed Order, Doc. No. 25554, *Webcasting V* Docket No. 19-CRB-0005-WR (“SoundExchange Proposed Order”), consistent with that limited opposition.

Since those filings, Amazon, Spotify, Apple Inc., and SoundExchange have conferred and reached agreement. Under this agreement, Amazon, Spotify, and Apple agree to be bound by the terms of the SoundExchange Proposed Order.² In exchange, SoundExchange does not oppose immediate access to and use of the *Webcasting V* Materials by Amazon’s, Spotify’s, and Apple’s outside counsel and experts in *Phonorecords IV*, to the extent consistent with the SoundExchange Proposed Order.³ The parties also agree to meet-and-confer to develop an appropriately redacted version of the *Webcasting V* Materials to facilitate compliance with that order.

² To the extent any outside counsel or expert is bound by the *Webcasting V* Protective Order and already has access to the *Webcasting V* Materials by virtue of their participation in that proceeding, nothing in this stipulation is intended to limit such access.

³ For the avoidance of doubt, SoundExchange maintains its opposition as to any Service that does not agree to be bound by the terms of SoundExchange’s proposed order, including Google and Pandora.

Dated: August 5, 2021

Respectfully submitted,

/s/ Joshua D. Branson

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Proof of Delivery

I hereby certify that on Thursday, August 05, 2021, I provided a true and correct copy of the Stipulation Regarding Access to and use of Web V Materials in Phono IV to the following:

Joint Record Company Participants, represented by Susan Chertkof, served via ESERVICE at susan.chertkof@riaa.com

Copyright Owners, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

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Apple Inc., represented by Mary C Mazzello, served via ESERVICE at mary.mazzello@kirkland.com

Signed: /s/ Joshua D Branson